

Application No.: 10/789,589
Filing Date: February 27, 2004

REMARKS

Claims 1, 3, and 7 are amended back to the original claim language to recite a “complex” as discussed further below. As there are no other issues remaining and as the claim language clearly finds support in the original claims, entry of the amendment and allowance is respectfully requested..

Rejection under 35 U.S.C. § 112, first paragraph – written description

Claims 1, 3, and 7 are rejected under 35 U.S.C. § 112, first paragraph as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time that the application was filed.

The Examiner asserts that the claims as amended with the November 2007 response lack written description support. While Applicants respectfully disagree and believe that the specification does provide support (paragraph 0029-0035 of the specification, for example), in order to expedite prosecution, the claims have been amended back to the original language reciting a complex of DNA and the biodegradable polyacetal peptide. As this amendment is believed to place the application in condition for allowance, or at least reduce issues for appeal, entry of the amendment after final is respectfully requested. Applicants note that the amendment could not have been made earlier because it is responsive to an issue raised for the first time in the Final rejection, albeit in response to Applicants’ previous amendment.

In view of Applicants’ amendment, withdrawal of the rejection is respectfully requested.

Claim 11

Applicants note that no ground of rejection has been applied against claim 11 and claim 11 is not dependent upon a rejected claim. Accordingly, claim 11, at least, is in condition for allowance.

Rejoinder

Claims 9, 10, 12-14, 16-17, and 21-27 are withdrawn from consideration, but depend ultimately from claim 1 and include the limitations thereof. As claim 1 is now believed to be in condition for allowance, rejoinder is respectfully requested.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee-update

In addition to the applications listed in the November 2007 response, Applicant wishes to draw the Examiner's attention to the following additional co-pending applications of the present application's assignee.

Serial Number	Title	Filed
11/793736	DRUG CARRIER AND DRUG CARRIER KIT FOR INHIBITING FIBROSIS	22-Jun-2007
12/057828	HIGH REFRACTIVE INDEX SOL-GEL COMPOSITION AND METHOD OF MAKING PHOTO-PATTERED STRUCTURES ON A SUBSTRATE	28-Mar-2008
12/032590	NANOPARTICLE SYNTHESIS BY SOLVOTHERMAL PROCESS	15-Feb-2008
12/099681	MULTI-FUNCTIONAL POLYGLUTAMATE DRUG CARRIERS	08-Apr-2008
12/035990	CARBON-CONTAINING SEMICONDUCTING DEVICES AND METHODS OF MAKING THEREOF	22-Feb-2008
12/019612	MULTI-FUNCTIONAL DRUG CARRIERS	24-Jan-2008

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CONCLUSION

In view of Applicants' amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 6, 2008

By: Che Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 721-6385

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